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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

BARNIE, REXFORD N

ART UNIT PAPER NUMBER

2643

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,051

Applicant(s)

KUMAR ET AL.

Examiner

REXFORD N. BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Rexford N. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/01/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 10, 11, 16, 19, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (US Pat# 6,690,929) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611).

Regarding claims 1, 16 and 30, Yeh teaches a dynamic quality of service and pricing in a communication system wherein a user can request using certain quality of service parameters for a call wherein the quality of service includes bit rate, SNR etc, determining a cost of a call and initiating a communication session in (see cols. 7-8, col. 5-6, col. 3 lines 1-12, and figs.).

Yeh, furthermore, teaches the ability to take QOS into consideration for video communication, internet browsing and voice communications. Yeh teaches that multiple QOS parameters can be taken into considerations for future applications and modulation schemes.

Yeh fails to teach that the QOS taken into consideration would comprise a data rate, error rate, priority and content level as whole.

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Immonen et al. teaches a communication system in (see section 0034, 004, 0047-0052) wherein a user can request a communication with QOS parameters including possibly a bit rate, class of information, BER and priority.

Olofsson teaches a communication system in (see col. 1 lines 10-16, col. 4 lines 37-50, col. 7 and so forth) wherein QOS parameters including that claimed can be used in determining pricing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary references into that of the Yeh thus making it possible to provide quality services as an incentive to attract customers to use a variety of services.

Regarding claim 3, The combination teaches the claimed subject matter by taking into quality of service into account including size units, priority, bandwidth and cost of service into consideration when generating a bill.

Regarding claim 10, The combination teaches the possibility of using a communication in (see section 0047 of Immonen et al., as claimed).

Regarding claim 11, The combination teaches using quality of service parameters in determining cost estimate and prompting a user to select a desired cost estimate in (see col. 7 of Yeh).

Regarding claim 19, Yeh teaches a dynamic quality of service and pricing in a communication system wherein a user can request using certain quality of service parameters for a call wherein the quality of service includes bit rate, SNR etc,

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determining a cost of a call and initiating a communication session in (see cols. 7-8, col. 5-6, col. 3 lines 1-12, and figs.).

Yeh, furthermore, teaches the ability to take QOS into consideration for video communication, internet browsing and voice communications. Yeh teaches that multiple QOS parameters can be taken into considerations for future applications and modulation schemes.

Yeh fails to teach that the QOS taken into consideration would comprise a data rate, error rate, priority and content level as a whole.

Immonen et al. teaches a communication system in (see section 0034, 004, 0047-0052) wherein a user can request a communication with QOS parameters including possibly a bit rate, class of information, BER and priority.

Olofsson teaches a communication system in (see col. 1 lines 10-16, col. 4 lines 37-50, col. 7 and so forth) wherein QOS parameters including that claimed can be used in determining pricing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary references into that of the Yeh thus making it possible to provide quality services as an incentive to attract customers to use a variety of services.

Regarding claim 32, see the explanations as set forth regarding the combination.

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Claims 2, 3, 12, 17, 18, 21 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (US Pat# 6,690,929) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Souissi et al. (US Pat# 6,556,817).

Regarding claims 2, 17, 18 and 31-32 The combination fails to teach allowing a user to select a parameter and giving a cost estimate and if the user doesn't accept the cost estimate, giving the user another chance to use another parameter with another cost.

Souissi teaches a communication system which can use parameters including load, quantity of information to be transmitted, quality of service and so forth in (see col. 15, col. 8, col. 10, col. 12 and disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Souissi into that of the combination thus making it possible to provide services as desired by a user as means of attracting subscribers to avoid complaints.

Regarding claim 3, The combination teaches the claimed subject matter by taking into quality of service into account including size units, priority, bandwidth and cost of service into consideration when generating a bill.

Regarding claim 12, The combination including Souissi teaches being able to stored desired service parameters which would factors into parameters such as taught in (see col. 15 of Souissi) and giving the user the option to decide whether or not to accept a cost estimate in (see col. 7 line 51-col. 8, col. 10 of Souissi). It would have

been obvious to use any memory medium to store and display cost estimate information.

Regarding claim 21, The combination teaches being able to request and receiving cost data in part based on request parameters for subsequent communications.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (US Pat# 6,690,929) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Presson (US Pat# 2002/0155823).

Regarding claim 5, The combination fails to teach the claimed subject matter but Preston teaches a method and apparatus for monitoring packet-based communications in a mobile environment in (see figs.) wherein a memory can store rate and QOS data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Preston into that of the combination thus making it possible to provide incentives including least cost and the ability to transmit multi-media services.

Claims 6-8, 20 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (US Pat# 6,690,929) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Haumont (US 2003/0027554)

Regarding claims 6-8, 20 and 33, the combination fails to teach using a prepaid account when making a call.

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Haumont teaches a communication system wherein based on balance of a prepaid account, one can enable a service and allowing a user to select a second service based on the account in (see claims and disclosure)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haumont into that of the combination thus making it possible to prevent fraudulent usage and loss of revenue.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (US Pat# 6,690,929) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Zhu et al. (H2051).

Regarding claims 13-14, the combination fails to teach the claimed subject matter but Zhu et al. teaches a system and method for providing multiple quality of service classes wherein according to (see figs. and col. 12) each PDP can have a unique address.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haumont into that of the combination thus making it possible to provide multimedia services with a quality level of services to avoid complaints and attract subscribers.

Regarding claim 15, The combination renders obvious the ability to price based on content size and so forth. Informing a user of cost estimate is taught by Souissi.

Claims 22-24 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souissi et al. (US Pat# 6,556,817) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611).

Regarding claim 22, Souissi teaches a communication system which can be used for both voice and data communications comprising a memory which can store quality of service requirement data including information including content of information, bandwidth and so forth. A transceiver would interrogate at least one communication network to determine cost estimation in (see cols. 5-6, col. 12 and col. 15).

Souissi teaches taking into account quality of service associated with a requesting terminal information as part of determining cost associated with a communication but fails to teach that quality of service information including data rate.

Immonen et al. teaches a communication system in (see section 0034, 004, 0047-0052) wherein a user can request a communication with QOS parameters including possibly a bit rate, class of information, BER and priority.

Olofsson teaches a communication system in (see col. 1 lines 10-16, col. 4 lines 37-50, col. 7 and so forth) wherein QOS parameters including that claimed can be used in determining pricing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary references into that of the Yeh thus making it possible to provide quality services as an incentive to attract customers to use a variety of services.

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Regarding claim 23, The combination teaches being able to request another cost estimate based on a different set of parameters if the first is found to be unacceptable.

Regarding claim 24, The combination including Souissi teaches being able to receive receiving and storing content amount and determining cost estimate based on receive network information associated with the user's quality of service.

Regarding claims 28-29, The combination renders obvious the ability to associate cost with a service of quality for different communication mediums.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Johnson et al. (US Pat# 5,606,602).

Regarding claim 4, The combination teaches querying a service provider but fails to teach querying a plurality of services providers when determining cost information as provided by the networks.

Johnson teaches a communication system wherein a user can select a cost associated with a plurality of bids submitted by a plurality of service providers interrogated in (see col. 9 and disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide services including least cost routing by incorporating the teaching of Johnson into that of the combination.

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Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Souissi et al. (US Pat# 6,556,817) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Johnson et al. (US Pat# 5,606,602).

Regarding claim 25, The combination teaches querying a service provider but fails to teach querying a plurality of services providers when determining cost information.

Johnson teaches a communication system wherein a user can select a cost associated with a plurality of bids submitted by a plurality of service providers interrogated in (see col. 9 and disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide services including least cost routing by incorporating the teaching of Johnson into that of the combination.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souissi et al. (US Pat# 6,556,817) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611) and further in view of Haumont

Regarding claims 26-28, the combination fails to teach using a prepaid account when making a call.

Haumont teaches a communication system wherein based on balance of a prepaid account, one can enable a service and allowing a user to select a second service based on the account in (see claims and disclosure)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haumont into that of the combination thus making it possible to prevent fraudulent usage and loss of revenue.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindell (US 2002/0039892) in view of Olofsson et al. (US Pat# 6,647,265) or Immonen et al. (US Pat 2002/0132611).

Regarding claims 1, Lindell teaches a communication system including a user terminal in which a user preference can be stored for future communications including QOS parameters in (see section 0029-0036). Lindell teaches using stored parameters as a means of selected from one of a plurality of service providers and completing a call using a selected service provider in (see cols 2-3).

Lindell fails to teach the claimed service of quality parameters as claimed.

Yeh fails to teach that the QOS taken into consideration would comprise a data rate, error rate, priority and content level as whole.

Immonen et al. teaches a communication system in (see section 0034, 004, 0047-0052) wherein a user can request a communication with QOS parameters including possibly a bit rate, class of information, BER and priority.

Olofsson teaches a communication system in (see col. 1 lines 10-16, col. 4 lines 37-50, col. 7 and so forth) wherein QOS parameters including that claimed can be used in determining pricing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary

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references into that of the Lindell thus making it possible to provide quality services as an incentive to attract customers to use a variety of services.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
07/07/05


REXFORD BARNIE
PRIMARY EXAMINER